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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,393	12/15/2000	Joseph E. Augenbraun	WGATE6-7	8038

26291 7590 07/28/2004

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/28/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/736,393

Applicant(s)

AUGENBRAUN ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 21-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 5/7/04 was filed after the mailing date of the Non-Final Office Action on 2/5/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9 and 21-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-6, 8-9, 21-25 and 27-28 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Shoff et al. (U.S. Patent No. 6,240,555).

Referring to claim 1, Shoff discloses a network headend for accessing information for one or more sources, and broadcasting said information (see Column 2, Lines 57-64).

Shoff also discloses a plurality of downstream channels interfaced to said headend for transmitting said information (see Column 3, Lines 14-15 for tuning to a specific channel and Column 4, Lines 56-58 for receiving multiple programs through a pipeline from the headend to the subscriber, therefore, a plurality of downstream channels inherently exists).

Shoff also discloses a plurality of terminal devices for receiving said downstream channels (see Column 4, Lines 16-18 and 22-29), each said terminal device including:

- 1) a tuner for receiving and selecting said downstream channels (see Column 8, Lines 10-14).

- 2) a terminal processor (see Column 8, Lines 19-21) for receiving channel selection and information requests from a user (see Column 8, Lines 62-63), and instructing said tuner to select one of said downstream channels (see Column 8, Lines 63-64), said terminal processor including programming for receiving an information request from a user (see Column 8, Lines 35-38), and in response thereto, instructing said tuner to select, via one-way hyperlinking, one of said downstream channels on which said requested information is being transmitted from said headend (see Column 9, Lines 8-18). Note that when the user changes the channel, a check is made to see if the channel is interactive, if yes, the information is acquired from the dedicated (downstream) channel, and therefore the second tuner disclosed in Figure 5 (and Column 8, Lines 14-18) must be tuned to received the supplemental content, which can be a web content, via one-way hyperlinking (see Column 6, Lines 30-48).

Referring to claim 2, Shoff discloses a memory containing a channel mapping database for identifying, for each of a plurality of possible information requests received from a user, a one of said channels on which said requested information is being transmitted from said headend (see Figure 3 and Column 5, Lines 61-67 and Column 6, Lines 1-6).

Referring to claim 4, Shoff discloses that the terminal processor is further programmed to identify from said channel mapping database, a time at which said one of said information data streams containing said requested information is to be transmitted on said one of said downstream channels (see Figure 3 which shows that CBS will transmit Murder She Wrote at 8pm on Thursday), and for instructing said tuner to select said one of said downstream channels at said time (see Column 8, Lines 62-63).

Referring to claim 5, Shoff discloses that the terminal device further includes a memory for storing said information data streams (see Column 2, Lines 66-67 and Column 3, Lines 1-10 for storing the EPG, which contains the supplemental content information in memory), and a display manager for formatting said information for display on a video monitor interfaced to the terminal device (see Column 8, Lines 38-44).

Referring to claim 6, Shoff discloses a picture-in-picture application for simultaneously displaying first information stored in memory and second information being received on one of said downstream channels (see Figure 8c for showing the incoming program and supplemental content).

Referring to claim 8, Shoff discloses that requested information comprises Internet web page data, said web page having content that is related to a video program that is being received by said tuner at a time that said information is received by said terminal processor (see Column 9, Lines 8-53 and Figure 3 and Column 6, Lines 30-48).

Referring to claim 9, Shoff discloses an input device for entering information requests into said terminal processor either through actuation of a button on an input device, or selection of an on-screen button displayed on a video image (see element 72 in Figure 4 and Column 8, Lines 35-38).

Referring to claim 21, see the rejection of claims 1 and 5.

Referring to claim 22, see the rejection of claims 2 and 3.

Referring to claims 23-25 and 27-28, see the rejection of claims 4-6 and 8-9, respectively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (U.S. Patent No. 6,240,555) in view of Eyer et al. (U.S. Patent No. 5,982,445).

Referring to claim 3, Shoff discloses that each of said information data streams contains information identified by a corresponding one of said plurality of information requests (see Figure 3 for the supplemental content field, which represents information that is used to select a web site for viewing), and said channel mapping database further includes timing information identifying a time slot in a multiple time slot sequence when each of said information streams is to be transmitted (again see Figure 3 for a time at which the interactive program is to be aired).

Shoff fails to disclose a first multiplexer for multiplexing a plurality of information data streams on one of said downstream channels. Eyer discloses a first multiplexer 115 in Figure 1 for multiplexing information streams on a downstream channel (see Column 8, Lines 12-16).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the headend, as taught by Shoff, to utilize the multiplexer, as taught by Eyer, for the purpose of providing the ability to deliver an aggregate bandwidth of many channels to the user.

Referring to claim 7, Shoff discloses encoding information transmitted to the user (see Column 12, Lines 50-53), but is silent about the headend including an encoder for digitally encoding information data streams to be broadcast and said terminal device further includes a decoder for decoding said information data streams.

Eyer discloses encoding a signal transmitted from a headend to a plurality of clients using the MPEG-2 standard (see Column 8, Lines 12-19 and Figure 1). Eyer

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also discloses decoding these signals, using a decoder (element 184 in Figure 1) for decoding said information data streams (see Column 8, Lines 35-38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the headend and terminal device, as taught by Shoff, using the encoder and decoder, as taught by Eyer, for the purpose of conserving bandwidth by compressing the information data streams into a smaller sized segment of information.

Shoff and Eyer both fail to disclose that the encoder is programmed to generate a full image frame periodically to facilitate synchronization of said decoder with said encoded data stream. The examiner takes Official Notice that it is well known to encode a time stamp into the I-Frame of an MPEG-2 GOP in order to synchronize the decoder to the encoder's output streams. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the MPEG-2 stream, as taught by Shoff and Eyer, using the time stamped I-Frame for the purpose of allowing a user to view higher quality video streams and also allow fast-forward and rewind VCR-type functionality.

Referring to claim 26, see the rejection of claim 7.

### ***Conclusion***

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 22, 2004

  
CHRIS GRANT  
PRIMARY EXAMINER